



MISC 2004125443

Filed: AS RECEIVED



SEP 22 2004 13:40 P 5

Received - RICHARD TAKECHI
Register of Deeds, Douglas County, NE
9/22/2004 13:40:05.11



2004125443

PERMANENT
EASEMENT AND RIGHT-OF-WAY

THIS INDENTURE, made this 16th day of September 2004 between MAPLE JOINT VENTURE II, a Nebraska General Partnership, ("Grantor"), and METROPOLITAN UTILITIES DISTRICT OF OMAHA, a Municipal Corporation and Political Subdivision, ("Grantee"),

WITNESS:

That Grantor, in consideration of the sum of Two Dollars (\$2.00) and other valuable consideration, receipt of which is hereby acknowledged, does hereby grant to Metropolitan Utilities District of Omaha, its successors and assigns, a permanent underground easement and right-of-way to lay, maintain, operate, repair, relay and remove, at any time, pipelines for the transportation of gas and water and all appurtenances thereto, together with the right of ingress and egress on, over, under and through the tract of land in Hillsborough Replat II, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska and being described as follows:

PERMANENT EASEMENT

** FILED: AS IS

That part of Lot 1 as depicted and described on Exhibit "A" attached hereto and made a part hereof by this reference.

TO HAVE AND TO HOLD said Permanent Easement and Right-of-Way to Grantee, Metropolitan Utilities District of Omaha, its successors and assigns.

1. The Grantor and its successors and assigns shall not at any time erect, construct or place on or below the surface of the permanent easement any building or structure, except pavement, asphalt, landscaping, or a similar covering, and shall not permit anyone else to do so.

2. The Grantee shall restore the soil excavated for any purpose hereunder and repair any damaged permitted covering, as nearly as is reasonably possible to its original contour or condition within a reasonable time after the work is performed.

3. Nothing herein shall be construed to waive any right of Grantor or duty and power of Grantee respecting the ownership, use, operations, extensions and connections to any pipeline constructed and maintained hereunder.

4. The Grantor is the lawful possessor of this real estate; has good, right and lawful authority to make such conveyance; and Grantor and its successors and assigns shall warrant and defend this conveyance and shall indemnify and hold harmless Grantee forever against claims of all persons asserting any right, title or interest prior to or contrary to this conveyance except the existing first mortgage lien.

5. The person executing this instrument represents that he has authority to execute it on behalf of the partnership.

IN WITNESS WHEREOF, Grantor executes this Permanent and Right-of-Way to be signed on the above date.

Please file & return to:

Susan E. Prazan
Metropolitan Utilities District
1723 Harney Street
Omaha, NE 68102-1960

misc
(5) K
1
FEE 25.50 FB 69-16544
BKP _____ C/O _____ COMP A
DEL MD SCAN _____ FV 11

MAPLE JOINT VENTURE II, a Nebraska
General Partnership,
Grantor

By: LERNER MAPLE PARTNERSHIP,
a Nebraska General Partnership,
Partner

By: [Signature]
Jay R. Lerner, General Partner

By: [Signature]
Salvadore Carta, General Partner

By: VENTURE-50, INC., a Nebraska
Corporation, General Partner

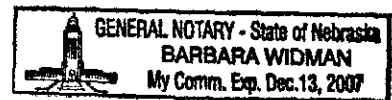
By: [Signature]
Title: VICE PRESIDENT

ACKNOWLEDGMENT

STATE OF NEBRASKA)
) ss
COUNTY OF DOUGLAS)

This instrument was acknowledged before me on September 14, 2004,
by Jay R. Lerner, General Partner of Lerner Maple Partnership, a Nebraska General
Partnership, on behalf of such partnership.

[Signature]
Notary Public

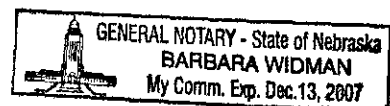


ACKNOWLEDGMENT

STATE OF NEBRASKA)
) ss
COUNTY OF DOUGLAS)

This instrument was acknowledged before me on September 14, 2004,
by Salvadore Carta, General Partner of Lerner Maple Partnership, a Nebraska General
Partnership, on behalf of such partnership.

[Signature]
Notary Public



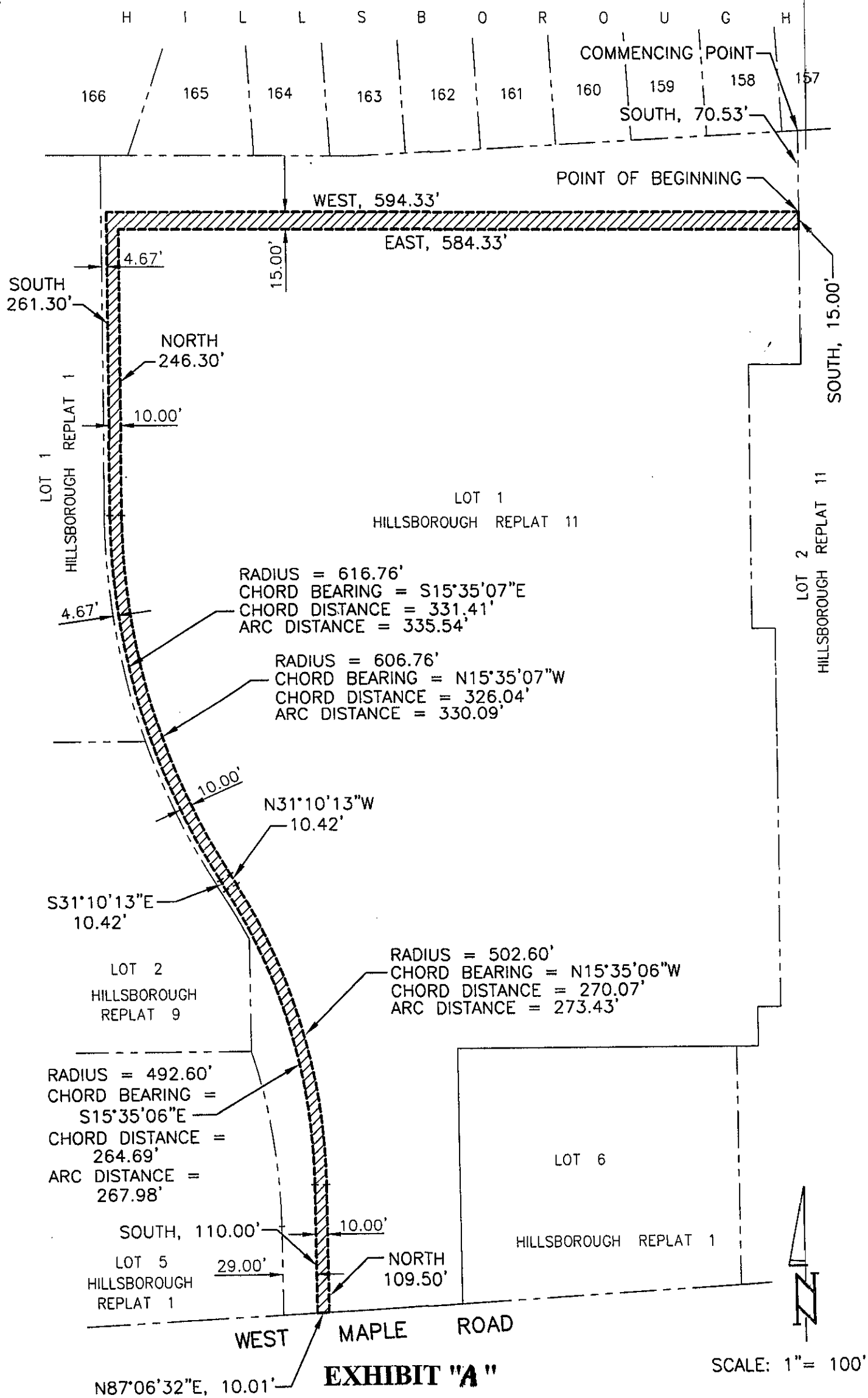
ACKNOWLEDGMENT

STATE OF NEBRASKA)
) ss
COUNTY OF DOUGLAS)

This instrument was acknowledged before me on SEPTEMBER 16, 2004,
by Jeffrey M. Keating, Vice President of Venture-50, Inc., a Nebraska Corporation, on
behalf of such corporation.



Carol F. Miner
Notary Public



LEGAL DESCRIPTION

THAT PART OF LOT 1, HILLSBOROUGH REPLAT 11, A SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: COMMENCING AT THE NE CORNER OF SAID LOT 1;

THENCE SOUTH (ASSUMED BEARING) 70.53 FEET ON THE EAST LINE OF SAID LOT 1 TO THE POINT OF BEGINNING;

THENCE WEST 594.33 FEET TO A POINT 4.67 FEET EAST OF THE WEST LINE OF SAID LOT 1;

THENCE SOUTH 261.30 FEET ON A LINE 4.67 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID LOT 1;

THENCE SOUTHEASTERLY ON A 616.76 FOOT RADIUS CURVE TO THE LEFT THAT IS 4.67 FEET EAST OF AND CONCENTRIC WITH THE WEST LINE OF SAID LOT 1, CHORD BEARING S15°35'07"E, CHORD DISTANCE 331.41 FEET, AN ARC DISTANCE OF 335.54 FEET;

THENCE S31°10'13"E 10.42 FEET;

THENCE SOUTHEASTERLY ON A 492.60 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING S15°35'06"E, CHORD DISTANCE 264.69 FEET, AN ARC DISTANCE OF 267.98 FEET;

THENCE SOUTH 110.00 FEET ON A LINE 29.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID LOT 1 TO THE SOUTH LINE THEREOF;

THENCE N87°06'32"E 10.01 FEET ON THE SOUTH LINE OF SAID LOT 1;

THENCE NORTH 109.50 FEET ON A LINE 39.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID LOT 1;

THENCE NORTHWESTERLY ON A 502.60 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING N15°35'06"W, CHORD DISTANCE 270.07 FEET, AN ARC DISTANCE OF 273.43 FEET;

THENCE N31°10'13"W 10.42 FEET;

THENCE NORTHWESTERLY ON A 606.76 FOOT RADIUS CURVE TO THE RIGHT THAT IS 14.67 FEET EAST OF AND CONCENTRIC WITH THE WEST LINE OF SAID LOT 12, CHORD BEARING N15°35'07"W, CHORD DISTANCE 326.04 FEET, AN ARC DISTANCE OF 330.09 FEET;

THENCE NORTH 246.30 FEET;

THENCE EAST 584.33 FEET TO THE EAST LINE OF SAID LOT 1;

THENCE NORTH 15.00 FEET ON THE EAST LINE OF SAID LOT 1 TO THE POINT OF BEGINNING.

SHEET 2 OF 2